

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, February 8, 2016 at the Village Hall. Meeting opened at 6:00 p.m.

PRESENT: Deputy Mayor: James Tuk
Trustees: Charles Covell - Excused
Ellen Tuohey
Danny Woodward Jr.
Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth
Code Enforcement Officer
Attorney David Schubel
Fire Chief Scott Buffin
Public:

APPROVAL OF THE MINUTES

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to accept the minutes of the January 11, 2016 regular meeting.

Vote: 3 Ayes (Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

PRIVILEGE OF THE FLOOR:

- Nothing

USE OF FACILITIES

- Fire Hall – Gregory Schuner is requesting use of the Fire Hall on March 5, 2016 from 12:00pm to 4:00pm for a birthday party.

RESOLUTION NO 2016-11

USE OF FACILITIES – GREGORY SCHUNER

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey to approve the use of facilities for Gregory Schuner for March 5, 2016 for a birthday party at the Fire Hall.

Vote: 3 Ayes (Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- Veterans Park – Lyndonville United Methodist Church is requesting use of Veterans Park on March 27, 2016 from 6:00am to 7:30am for a sunrise service.

RESOLUTION NO 2016-12

USE OF FACILITIES – LYNDONVILLE UNITED METHODIST CHURCH

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to approve the use of facilities for the Lyndonville United Methodist Church for March 27, 2016 for a sunrise service at Veterans Park pending insurance is provided.

Vote: 3 Ayes (Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

Report – Fire Chief Buffin

- Report – 17 Calls for 2016, 17 Calls for January (4 – EMS Town, 1 – EMS Village, 1 – MVA Town, 1 – MVA Village, 1 – Natural Gas, 2 – Water Problems, 1 – Automatic Alarm, 4 – Fast Team MA and 2 – MA one to Ridgeway and one to Carlton)
- SCBA testing is complete, two minor things found and they have been fixed already.
- Lyndonville # 31 is back in service.
- The Fire Department applied for a FEMA grant, just waiting for the outcome in probably April-May timeframe.
- New member - Keith Weaver – Chief Buffin asked for the Board to approve Keith Weaver as a new member of the Fire Department. Clerk-Treasurer Woodworth noted all the appropriate paper has been completed and filed with the appropriate agencies we are just awaiting the results of the drug/alcohol test. Clerk-Treasurer Woodworth will contact WorkFit Medical tomorrow to obtain the results.

RESOLUTION NO 2016-13

LYNDONVILLE FIRE DEPARTMENT NEW MEMBER – KEITH WEAVER

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey to approve Keith Weaver as a new member of the Lyndonville Fire Department pending the results of his drug/alcohol test.

Vote: 3 Ayes (Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- New membership procedure – Clerk-Treasurer Woodworth informed the Board she had been in contact with the Orleans County Sheriff’s Department regarding background checks for fire department’s new members. Orleans County Sheriff’s Department does conduct full background checks on new members for fire department in accordance to NY Executive Law § 837-0 however according to this law they are only authorized to release information regarding arson and sex offender. The Fire Departments by-laws states a background check is to check for arson and any felonies, therefore new members would need to have a full background check done through WorkFit Medical. Clerk-Treasurer Woodworth also asked that all member’s files be brought to the

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Village Hall to be filed securely in a fire proof cabinet along with all of the other Fire Departments reports to they may be retained in accordance to the New York State MU-1 schedule. Clerk-Treasurer Woodworth provided Chief Buffin with a copy of the MU-1 schedule that pertains to fire department records. Chief Buffin stated he would show it to their attorney and do what their attorney advises them to do. Clerk-Treasurer Woodworth noted again this is a New York State requirement.

Report – Code Enforcement

- Nothing - Clerk-Treasurer Woodworth noted she is keeping a folder of items that needs to be addressed by Code Enforcement. Deputy Mayor Tuk noted that Code Enforcement would need to look into Curley's upon reviewing his property file he doesn't see where a certificate of completion was given for his side porch and didn't see anything in the file that allowed for apartments in the second and third floors.

Report – Attorney Schubel

- Attorney Schubel is working to obtain a temporary easement with Lyndonville Central School for the upcoming repairs to the flood gates.
- Attorney Schubel sent a letter to the owners of the old Crosby Whipple building inquiring on their intentions with the building. There was no response to the voice mails he left.
- Cats – Attorney Schubel has spoken to Orleans County Sheriff Bower and Orleans County Chief Administrative Officer Nesbitt regarding stray and homeless cats in Orleans County. They are well aware of the problem and advised to look for guidance from the District Attorney's office. The Board mentioned the article on the Orleans Hub about the Village of Medina looking for Orleans County Animal Control to assist with the stray and homeless cat problem.

Report – Clerk-Treasurer Woodworth

- Police Report - Confirmed everyone received Officer Larkin's police report.
- Elections – Clerk-Treasurer Woodworth asked to the Board to amend Resolution 2016-5 Election Inspectors for the March 15, 2016 Election as she has been informed that Patricia Gawne will not be available to work the entire noon to 9:00pm shift. Clerk-Treasurer Woodworth would like to replace Patricia Gawne with Josette Lauze.

RESOLUTION NO 2016-14

AMEND RESOLUTION 2016-5 ELECTION INSPECTORS FOR THE MARCH 15, 2016 ELECTION

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr., to appoint Josette Lauze as an election inspector for the March 15, 2015 Village Election with Patricia Gawne as an alternate.

Vote: 3 Ayes (Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- Logics is all setup; Clerk-Treasurer Woodworth just needs to finish loading September 2015 to current of the vouchers.
- Water Bills – Clerk-Treasurer Woodworth noted today was the shut off date on any outstanding water bills, there are 18 still unpaid that received door knockers giving them until 9:00am tomorrow to pay. The Board inquired if 140 Maple Avenue had made her agreement payments. Clerk-Treasurer Woodworth stated she has and she has one more to make on February 19, 2016 to be paid in full. Superintendent Woodworth added the water at 212 South Main Street has been shut off due to the tenants being evicted. The meter was removed from the property since there is no heat and the meter froze and popped last year when it was occupied.
- Vouchers – Abstract A9 #10523 - 10587 to be paid

General	\$ 25,876.42
Water	\$ 7,067.65
Sewer	\$ 21,707.56
Grand Total	\$ 54,651.63

RESOLUTION NO 2016-15

VOUCHERS TO BE PAID FOR ABSTRACT A9-2016

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey to have Clerk-Treasurer Woodworth to pay Abstract A9 Vouchers #10523 - 10587.

Vote: 3 Ayes (Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

Report – Superintendent Woodworth

- Water Leak on Riverside – The DPW has repaired the water main break on Riverside, it was a 6" main. Superintendent Woodworth noted it was nice to receive assistance from the Village of Medina with 3 guys and the Town of Yates with 2 guys. It was also mentioned that due to the leak on Riverside a resident on North Main Street had water coming up in her floor drain in her basement and was looking for the costs of a plumber and parts around the sum of \$660.00 to be covered by the Village. Attorney Schubel advised she would have to put in a claim and let the Village's insurance company handle it. Superintendent Woodworth informed the Board that due to this water leak the resident hired a individual whom was specifically told they could not pump the water into the sanitary sewer. When the DPW returned to retrieve water for sampling they found that the individual did in fact hook illegally into the sanitary sewer. Superintendent Woodworth stated if necessary he would send a letter putting them on notice which then is punishable by a fine of \$200.00 per day once the notice is received.

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- Veterans Park – Superintendent Woodworth is working on obtaining a second quote to survey Veterans Park/
- Plow Truck – Superintendent Woodworth noted he will be looking to replace the DPW's plow truck in the 2016/2017 budget year as it now has holes in the floor boards.

Report – Trustee Tuohey

- Trustee Tuohey inquired where we stand with getting a newer police car from Orleans County. Trustee Woodward Jr. noted the car wasn't in good shape. He will reach out to Sheriff Bower to see if there are any other options. Clerk-Treasurer Woodworth will have Clerk PT Nicholson look to see if there is a grant for a police car.

Report – Trustee Woodward Jr.

- Nothing

Report – Trustee Covell

- Nothing - Excused

Report – Deputy Mayor Tuk

- Senator Ortt – Deputy Tuk received notice from Senator Ortt's office they will look into the bridge on Main Street with the rating of 4.7.
- Training – Village's responsibilities for Fire Departments - April 1, 2016 Pinsky Law group is hosting a lecture regarding Village Board's responsibility for Fire Departments. Deputy Mayor Tuk and Trustee Woodward Jr. would like to attend, Clerk-Treasurer Woodworth will check with Trustee Covell to see if he would like to attend given he's on the public safety committee.

RESOLUTION NO 2016-16

TRAINING - APRIL 1, 2016 THE PINSKY LAW GROUP VILLAGE FIRE DEPARTMENTS RESPONSIBILITIES

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to approve Deputy Mayor Tuk, Trustee Covell and Trustee Woodward Jr. to attend the Village's responsibilities of Fire Departments on April 1, 2016.

Vote: 3 Ayes (Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

OLD BUSINESS:

- Planning Board – nothing yet on a joint Planning Board with the Town of Yates.
- Employee Handbook – Clerk-Treasurer Woodworth is working on.
- Cameras – Clerk-Treasurer Woodworth will contact IT Belson for recommendations of systems.
- West Avenue Sidewalks – The Board would like to table this until Trustee Covell returns.

NEW BUSINESS:

- Orleans County Resolution 70-116 –

OPPOSING GOVERNOR CUOMO'S PROPOSED INCREASE IN THE MINIMUM WAGE

WHEREAS, Governor Cuomo's Executive 2016-17 State Budget Proposal includes increasing the minimum hourly wage from \$9.00 to \$15.00 over the period from December 31, 2016 to July 1, 2021; and

WHEREAS, Orleans County has experienced the loss of local jobs when New York's minimum wage was previously increased, which made New York State non-competitive with the minimum wage paid in other states; and

WHEREAS, it is the belief of this Legislature that the proposed government mandated minimum wage increase will cost upstate New York hundreds of thousands of jobs since the onerous tax structure in New York State already places a tremendous burden on small businesses; and

WHEREAS, this proposed increase in minimum wage will also create pressure on local governments, as employers, to increase wages in order to attract workers; and

WHEREAS, this wage pressure, together with a possible .12% tax cap on property taxes for next year, would create great pressure to cut non-mandated programs, such as valuable youth employment and senior programs to keep seniors at home and out of nursing homes; now, therefore, be it

RESOLVED, that the Orleans County Legislature urges the Governor to reconsider this proposal, and asks our state delegation to oppose this increase; and, be it further

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, NYS Senate Majority and Minority Leaders, NYS Assembly Majority and Minority Leaders, Senator Robert Ortt, Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, NYSAC, InterCounty of Western New York, all Orleans County Towns and Villages, Orleans Community Health System, and all others deemed necessary and proper.

RESOLUTION NO 2016-17

OPPOSING GOVERNOR CUOMO'S PROPOSED INCREASE IN THE MINIMUM WAGE

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey to support Orleans County Resolution 70-116 Opposing Governor Cuomo's Proposed Increase In The Minimum Wage

Vote: 3 Ayes (Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

- Orleans County Resolution 20-116 –

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CALLING ON THE STATE OF NEW YORK TO RESTORE FUNDING PARITY BETWEEN THE CAPITAL PLANS OF THE METROPOLITAN TRANSPORTATION AUTHORITY (MTA) AND THE NY STATE DEPARTMENT OF TRANSPORTATION

WHEREAS, Governor Andrew Cuomo and Mayor de Blasio recently announced an agreement to jointly subsidize the Metropolitan Transportation Authority's (MTA) nearly \$11 billion funding gap for its 2015-19 five-year capital program; and

WHEREAS, as part of this agreement, the Governor is committing \$8.3 billion in state resources to cover the MTA plan's multi-year deficit; and

WHEREAS, while we may agree that this vital investment in downstate transit is needed, the state has yet to develop a new Department of Transportation 5-Year Capital Plan designed to assess current conditions and determine investments needed to provide for the future needs of a modern, safe, reliable and efficient multimodal transportation system; and

WHEREAS, the enactment of the FAST Act, a fully funded five-year authorization of federal surface transportation programs that provides long-term federal funding predictability, should now facilitate the state to develop and fund a Transportation 5-Year Capital Plan; and

WHEREAS, locally-owned roads and bridges account for 87 percent of the State's 110,000 miles of roadways and 50 percent of the State's 18,000 bridges and are responsible for a vast system of aging culverts. These locally-owned transportation facilities are deteriorating at a rapid rate as counties continue to struggle to find adequate funding for their maintenance and replacement; and

WHEREAS, three of the last four DOT/MTA five-year capital programs were virtually identical in size; and

WHEREAS, for nearly two decades, through 2009, the parity agreement was honored and both five-year capital programs were similar in size as well as adopted within a month of each other. It is necessary to once again restore parity between the programs; and

WHEREAS, according to a 2014 Comptroller's report, thirty four percent (34%) of bridges are deficient and forty-eight percent (48%) of road pavements in the state are rated fair or poor and getting worse; now be it

RESOLVED, that the Orleans County Legislature calls upon Governor Cuomo and our State Legislative Delegation to work with our County and other local governments in order to develop and fully-fund a 5 Year Capital Plan that will provide the necessary and proper funding to New York's counties by substantially increasing CHIPS and Marchiselli funding and establishing a 5 year State Aid to Local Bridge and Culvert Program to give them the ability to adequately maintain their infrastructure; and be it

FURTHER RESOLVED, that restoring parity between the Department of Transportation's (DOT) highway and bridge five-year capital program and the MTA's capital program will assure each program is funded at a \$26.1 billion level, providing enough resources to help fund the local needs as described above; and

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator Robert Ort, Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, New York State County Highway Superintendents Assn, Inc; all Orleans County Towns and Villages, and all others deemed necessary and proper.

RESOLUTION NO 2016-18

CALLING ON THE STATE OF NEW YORK TO RESTORE FUNDING PARITY BETWEEN THE CAPITAL PLANS OF THE METROPOLITAN TRANSPORTATION AUTHORITY (MTA) AND THE NY STATE DEPARTMENT OF TRANSPORTATION

ON MOTION of Trustee Tuohey, seconded by Trustee Woodward Jr. to support Orleans County Resolution 20-116 Calling on the State of New York to Restore Funding Parity Between the Capital Plans of the Metropolitan Transportation Authority (MTA) and the NY State Department of Transportation.

Vote: 3 Ayes (Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuohey, to adjourn the meeting at 8:03 p.m.

Vote: 3 Ayes (Tuk, Tuohey, Woodward Jr.); 0 Nays; 0 Abstain

Teri Woodworth
Clerk-Treasurer